

## Ordinance No. 2025-07-14-2

**An Ordinance of the City of Wolfe City, Texas, Establishing Regulations for Noise Control to Protect Public Health and Quality of Life; Defining Noise Nuisances Through Objective Decibel Limits and Subjective Standards; Prohibiting Specific Acts Including Loud Music, Construction Noise, and Vehicle Disturbances; Providing Exemptions for Public Events, Emergency Operations, and Other Activities; Authorizing Enforcement Through Citations, Fine of up to \$500.00, Injunctions, and Equipment Seizure; Repealing Prior Noise Ordinances; and Setting an Effective Date.**

Be it ordained by the City Council of the City of Wolfe City, Texas:

**Section 1: General Provisions and Policy.** Excessive or disturbing noise is recognized as a serious hazard to the public health and quality of life. It is hereby declared to be the policy of the City of Wolfe City to **minimize the exposure of citizens to harmful or disruptive noise levels**. This Ordinance sets objective and subjective standards for certain sounds, in order to promote commerce and recreation in balance with peace and quiet in residential areas. Sound levels are regulated such that noises that **disturb a reasonable person of ordinary sensibilities** or that **exceed set decibel thresholds** constitute a public nuisance and are unlawful. It is the intent of these regulations to **prevent noise complaints** and resolve conflicts between sound producers and the surrounding community. The requirements of this Ordinance shall be enforced whether or not a particular sound is measurable with instruments, depending on the circumstances.

### **Section 2: Definitions.**

- a. **Ambient Noise:** The all-encompassing background sound level in an area, exclusive of the specific sound alleged to be a nuisance. Essentially, the normal or existing level of environmental noise at a given location and time.
- b. **Bounding Property Line:** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person (In practical terms, the property line between two separately owned parcels.).
- c. **Decibel (dB):** A unit of sound measurement on a logarithmic scale. Specifically, 20 times the logarithm (base 10) of the ratio of the sound pressure to a reference pressure of 20 micropascals. This is a standard measure of sound intensity. *Decibels in this Ordinance refer to dB(A), meaning using the A-weighted frequency scale, unless otherwise noted.*
- d. **Sound Level (Noise Level):** The **instantaneous sound pressure level** measured in decibels with a sound level meter using the A-weighting network (dBA).
- e. **Sound Level Meter:** An instrument for measuring sound pressure levels, meeting or exceeding ANSI (American National Standards Institute) standard S1.4-1971 for Type II sound level meters. It shall be calibrated and maintained according to the manufacturer's standards.
- f. **Noise (or Sound):** For purposes of this ordinance, **Noise is any sound which either: (1) exceeds the decibel limits set forth in this Ordinance for the applicable environment; or**

- (2) if not susceptible to measurement or not arising from a source described in (1), **disturbs a reasonable person of ordinary sensibilities** so as to cause an adverse psychological or physiological effect. In simpler terms, noise can be a measured excessive sound, or a subjectively unreasonable sound that a reasonable person would find disturbing in context.
- g. **Land Use District:** One of the zoning categories established by the City's Zoning Ordinance (residential, commercial, industrial, etc.). For purposes of this Ordinance, each area of the city is considered as one of three general land use types: "Residential," "Commercial/Agricultural," or "Industrial," according to its primary zoning use. Planned Development districts will be classified based on their predominant use.
  - h. **Public Property:** Any real property owned or controlled by a governmental entity, including parks, streets, sidewalks, public buildings and grounds.
  - i. **Public Right-of-Way:** Any street, avenue, boulevard, highway, sidewalk, alley or similar place that is owned or controlled by a governmental entity.
  - j. **Construction:** Any site preparation, assembly, erection, substantial repair, alteration or similar action (excluding demolition) for or on public or private structures, utilities, or roads.
  - k. **Emergency Signaling Device:** Sirens, horns, or alarms used in emergency circumstances (such as ambulance/police/fire sirens or civil defense alarms).
  - l. **Miscellaneous Terms:** Other technical terms like "frequency" or "sound pressure" are used in accordance with standard acoustical definitions. The above are provided for clarity. Undefined terms shall be given their common-sense meaning.)

**Section 3: Sound Measurement Standards.** When a sound level measurement is required by this Ordinance (for enforcement of an objective decibel standard), the following guidelines apply:

- a. **Measurement Equipment:** Sound measurements shall be made with a Type II or better sound level meter, using the **A-weighting** network and "slow" response, unless otherwise specified. The meter should be calibrated before and after measurements using an acoustic calibrator.
- b. **Location of Measurement:** Measurements should be taken at or **within the property line of the complainant or affected person's property**, or at a common boundary line between the source property and the affected property, as appropriate. For public space violations (e.g., street noise), measurements may be taken at a standard distance from the source (such as 50 feet) or at the edge of the nearest occupied property.
- c. **Ambient Consideration:** The ambient noise level should be observed. If the ambient (background) noise exceeds the sound of the source in question, enforcement may rely on the subjective standard (reasonable person) rather than decibel reading. If the ambient is lower, decibel readings should clearly show the source adding to the ambient level.
- d. **Distance and Obstructions:** Measurements should be taken with no significant obstruction between the meter and the noise source (such as a wall or parked vehicle), and preferably at a height of 3 to 5 feet above ground. The operator shall ensure that their presence or other factors do not skew the reading.
- e. **Weather Conditions:** Measurements should not be taken in heavy wind (over 15 mph) or precipitation, as this can affect readings. The ideal condition is calm weather or using a windscreen on the microphone.

- f. **Meter Calibration:** The enforcing officer must calibrate the meter per manufacturer specifications and ensure the device is functioning properly. If readings are contested, the City may require testing by a certified acoustical engineer, but typically the officer's properly taken reading is sufficient evidence of noise level.
- g. **Reasonable Person Standard:** The above standards ensure consistency. However, the absence of a sound meter reading does not bar enforcement under the "reasonable person" standard when applicable.

**Section 4: Maximum Permissible Sound Levels.** It shall be a violation of this Ordinance for any person to produce or allow the production of any sound that exceeds the decibel limits set forth below, **as measured at the property line** of the nearest receiving property of a different owner or at a distance specified, or for any person to produce or allow the production of any noise that would disturb a reasonable person of ordinary sensibilities. The following are the **maximum sound levels (dBA)** allowed:

- a. **Residential Areas:** In any area zoned or primarily used for residential purposes (including homes, apartments, hospitals, schools, churches):
  - 1. **Daytime (7:00 a.m. to 10:00 p.m.):** 60 dB(A) maximum.
  - 2. **Nighttime (10:00 p.m. to 7:00 a.m.):** 55 dB(A) max.  
*(Example: A loud music or machine noise from a house should not exceed 60 dB at the neighbor's property line during the day, or 55 dB at night.)*
- b. **Commercial/Agricultural Areas:** In areas zoned or used for commercial or agricultural purposes (business districts, downtown mixed-use, farms):
  - 1. **Daytime (7:00 a.m. to 10:00 p.m.):** 75 dB(A) max.
  - 2. **Nighttime (10:00 p.m. to 7:00 a.m.):** 65 dB(A) max.  
*(Commercial areas can have slightly louder activity but still must drop at night.)*
- c. **Industrial Areas:** In any area zoned or used for industrial purposes:
  - 1. At all times: 85 dB(A) max at the property line.  
Industrial operations are given a higher threshold but must still not unreasonably impact adjacent properties. If industrial and residential properties abut, the residential standard may be applied at the residence.
- d. **Central Area Entertainment Zone:** Notwithstanding the above, for the designated central commercial district (if the City designates an entertainment zone downtown), live music or outdoor entertainment noise shall be allowed up to 85 dB(A) from 7:00 a.m. to midnight, and up to 65 dB(A) from midnight to 7:00 a.m., measured at the property line. *(This provision accommodates downtown events, as referenced in the original ordinance. If no specific zone is designated by ordinance or map, this exemption may not apply.)*
- e. **Pure Tone / Bass Adjustment:** If the noise in question contains a steady, audible pure tone (whistle, hum) or excessive bass such that it is easily discernible within neighboring structures, the allowable decibel limits above shall be reduced by 5 dB. (Low-frequency noise or pure tones are more annoying at lower dB.)
- f. **Background Penalty:** If ambient noise is already near the limit, any significant increase by a single source that causes complaints may be considered a violation even if only slightly above the limit. Conversely, short-term occasional noises that spike above the limit by a small margin may be forgiven if not sustained or repetitive.

- g. **Prima Facie Noise Nuisance for Exceeding Decibel Limit:** If a sound source exceeds the applicable dB limit when measured, it is a prima facie noise nuisance.
- h. **Reasonable Person Standard:** Notwithstanding Section 4 (a)–(g), it shall also be a violation of this ordinance for any person to produce or allow to be produced any noise which would disturb a reasonable person of ordinary sensibilities. Any noise which would disturb a reasonable person of ordinary sensibilities is considered to be in excess of the maximum permissible sound levels under this section.

**Section 5: Specific Prohibited Acts (Noise Nuisances).** The following acts, among others, are declared to be **noise nuisances** and violations of this Ordinance, whether or not the decibel standards of Sec. 94.04 are met. (In other words, these are examples of sounds that are deemed unreasonable and unlawful per se, subject to the listed exceptions and time restrictions.)

- a. **Loud Music or Amplified Sound:** Operating or permitting the operation of any radio, musical instrument, sound amplifier, speaker system, or other device that produces or reproduces sound:
  - 1. **Plainly audible** inside the residence of another person (with windows closed) or at **50 feet or more** from the source, especially *between 10:00 p.m. and 7:00 a.m.*, so as to disturb the quiet comfort of neighbors.
  - 2. This includes loud parties, car stereo bass audible outside the vehicle at excessive volume, etc. During daytime hours, some tolerance is allowed, but it **shall not exceed the dB limits** for residential areas nor be so loud as to materially disturb neighbors. (The original ordinance allowed 85 dB if a warning has been given by an officer, but we simplify: any noise that triggers a reasonable complaint and is over the limit or plainly intrusive is prohibited.)
- b. **Construction or Power Tool Noise:** The use of any construction equipment (such as jackhammers, bulldozers, saws) or loud power tools/lawn equipment:
  - 1. **Permitted hours:** Such noise is allowed between **7:00 a.m. and 6:00 p.m.** on weekdays and Saturdays. Construction activity outside these hours or on Sundays is prohibited unless specifically authorized by the City via permit or in an emergency.
  - 2. **Construction noise even during permitted hours should not exceed 85 dB(A)** at the property line. Routine residential lawn mowing or household tool use is generally exempt during daylight but should be reasonable in duration.
- c. **Animals:** Allowing any animal under one's control to bark, howl, crow or make continuous noise **in a frequent or repetitive manner for 10 minutes or longer** such that it disturbs neighbors of ordinary sensibilities. (Example: a dog barking incessantly in the night.) Occasional barking is expected, but prolonged, unmanaged noise from pets is a nuisance. Animal owners must take reasonable steps to quiet their animals after being informed of a disturbance.
- d. **Horns and Signaling Devices:** The frequent, repetitive, or continuous sounding of any horn, siren or alarm on any vehicle or premises **except** as a warning of danger or as specifically permitted (e.g., emergency vehicles). Car alarms that malfunction and sound continuously are included – owners should promptly silence false alarms.
- e. **Loudspeakers in Public Spaces:** The use of any loudspeaker or amplifier on public streets or sidewalks or in parks in a manner that exceeds the sound level limits or that attracts the

- undue attention of passersby in a way that disturbs the peace. (Use of amplified sound in public may require a special event permit; see exemptions for events below.)
- f. **Noise near Schools/Hospitals:** Creating excessive noise on a street, public right-of-way or private property adjacent to any **school, church, hospital, or similar institution** such that it unreasonably interferes with the working of such institutions. For example, blaring music next to a school during school hours, or revving engines by a hospital at night.
  - g. **Explosives, Fireworks, Firearms:** Discharging firearms, fireworks, or explosives in a manner not authorized by City ordinance (note: generally fireworks are prohibited in city limits, and firearm discharge is regulated separately). Loud bangs and booms can be extremely disruptive; they are considered nuisances unless specifically permitted (e.g., ceremonial cannon fire approved by the City, or lawful self-defense firearm use which is outside the scope of this ordinance).
  - h. **Vehicles (Mufflers and Engine Noise):** Operating a motor vehicle or motorcycle without a functioning muffler or with an altered exhaust system that creates loud, roaring or explosive sounds. Also, **racing** engines or letting vehicles idle loudly for extended periods in residential areas is prohibited. (Texas Transportation Code muffler requirements apply; this ordinance makes excessively loud vehicle noise a city offense as well.)
  - i. **Loading and Unloading; Commercial Noise:** Noise from loading or unloading goods, banging or clattering of equipment, or loud machinery on commercial premises should be limited, especially during night hours. Repeated loud banging of dumpsters, loading docks, etc., between 10 p.m. and 7 a.m. adjacent to residences is a nuisance unless unavoidable.
  - j. **Additional Noises Constituting a Nuisance:** The above list is non-exhaustive. Any noise that fits the general criteria of a “noise nuisance” in Sec. 94.01 can be cited, even if not listed here explicitly.

**Section 6: Exemptions and Special Permits.** The following sounds and activities are **exempt** from the provisions of this Ordinance, or are otherwise addressed:

- a. **Scheduled Public Events (Daytime):** Activities conducted on **public parks or playgrounds, and public or private school grounds**, such as athletic events or concerts, **between 7:00 a.m. and 10:00 p.m.**, are exempt. This includes school football games, City-sponsored events, and similar activities, recognizing that these often create noise as part of their ordinary course.
- b. **Occasional Outdoor Gatherings: Occasional outdoor public events** (parades, festivals, block parties, outdoor concerts, etc.) that have been authorized by the City (via permit or other official approval) are exempt during the hours of 7:00 a.m. to 10:00 p.m., provided they comply with any conditions of the permit regarding sound amplification.
- c. **Government and Emergency Work:** Sounds **originating from governmental operations** are exempt. This includes noise from **emergency vehicles** (police/fire sirens), **emergency repairs** by public works (water main breaks, etc.), **solid waste collection**, or any work performed to protect public health/safety (e.g., mosquito control fogging trucks, emergency generators during power outages). Also exempt are **weather warning sirens** or similar emergency alarm devices.
- d. **Non-Commercial Public Speaking: Non-commercial public speaking, protests, or public assemblies** on public property or public rights-of-way are exempt from the

prohibitions, **except that** any use of amplifiers must still comply with the decibel limits to protect bystanders.

- e. **Church Bells and Chimes:** The ringing of church bells or chimes, school bells, or other institutional sound devices that serve a time-keeping or ceremonial purpose for short durations.
- f. **Home Repairs and Maintenance:** Noise from **domestic power tools, lawnmowers, and landscape maintenance equipment** is permitted during daylight hours (approximately 7:00 a.m. to 9:00 p.m.) provided it is used for limited durations and with a muffler if the equipment has one. (For example, mowing your lawn or using a saw to build a deck is allowed at reasonable hours.)
- g. **Aircraft and Railroads:** Noise from aircraft (which is federally regulated) and railroad operations are exempt to the extent preempted by state or federal law.
- h. **Oil and Gas Operations:** (If applicable) Noise from lawful drilling or extraction operations, which are often subject to separate ordinances or state regulation, may be exempt or separately regulated.
- i. **Ice Cream Trucks:** Amplified music or jingles from ice cream trucks are **exempt between 10:00 a.m. and 9:00 p.m.** as per the original ordinance provided they are not played at an unreasonably loud volume (should not exceed the general limits for residential areas) and are turned off when the vehicle is stopped for a sale.
- j. **Permitted Variances:** The City Council or an authorized City official may grant a **special variance or permit** for extended hours or higher noise levels for certain events or circumstances (for example, a one-time cultural festival, or night-time construction for an emergency repair). Such permits will specify the time frame and any conditions.

**Section 7: Enforcement and Penalties (Noise).** Enforcement of this Ordinance can be by a peace officer or other persons designated by the City (e.g., code enforcement officer, if trained in using sound level meter):

- a. **Subjective vs Objective Standard:** An officer may issue a citation based on either **measured decibel violation** or the **“reasonable person” standard** if the noise is plainly disruptive. The officer’s testimony that a noise was, for example, clearly audible inside a complainant’s home and unreasonably loud may suffice for a violation, even without a meter reading, especially for intermittent or non-steady noises like barking dogs or loud music with bass.
- b. **Citation Procedure:** Typically, the officer will issue a **warning** for a noise offense, allowing the offender to correct the issue (turn down volume, etc.). If the noise continues or if a second complaint is received, a citation will be issued. However, if the noise is egregious or the offender is uncooperative, a citation can be issued on the first instance. The citation will require appearance in Municipal Court.
- c. **Penalty:** A violation of any provision of the Noise Control Ordinance is punishable by a fine of **up to \$500** for each occurrence. Each day or each distinct incident that a violation occurs constitutes a separate offense. Extremely severe or intentional violations (for example, a pattern of late-night offenses) may be assessed the maximum fine. Lesser violations or first offenses may result in fines in the lower range at the court’s discretion. The court may also issue orders to ensure compliance (such as requiring sound-proofing measures or restricting the hours a business may operate loud equipment).

- d. **Injunction:** Repeated violations or a noise source causing ongoing community disturbance may also be addressed by the City through a civil injunction in court to stop the nuisance, pursuant to Texas Local Government Code Chapter 54.
- e. **Seizure of Equipment:** In cases of persistent violations where equipment (like a sound amplifier) is being used illegally, the Municipal Court upon conviction may order the equipment to be impounded or disabled, if allowed by law, to abate the nuisance. Equipment seized under this ordinance will be returned to the owner no sooner than 24 hours after impoundment.
- f. **Appeals:** A person receiving a citation under this Ordinance will have their case heard in Municipal Court. They may present evidence (for instance, challenging the meter reading or claiming an exemption). Normal court appeal processes apply to any conviction.

**Section 8: Conflict with Other Regulations.** Where a sound source is subject to regulation by another specific ordinance or law (for example, a permitted drilling operation or a state highway noise regulation), and there is a conflict, the more specific regulation shall govern. However, in the absence of a direct conflict, all provisions (both the specific regulation and this noise Ordinance) apply concurrently.

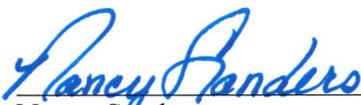
**Section 9: Repeal of Prior Ordinances.** All other ordinances, resolutions, or orders of the City that regulate noise, sound amplification, or sound-emitting devices are hereby repealed in their entirety. Henceforth, noise regulation within the City shall be governed exclusively by this Ordinance

**Section 10: Severability.** The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council declares that it would have adopted this Ordinance and each section hereof irrespective of the fact that any one or more sections may be declared invalid.

**Section 11: Effective Date.** This Ordinance will take effect immediately upon passage, approval, and publication.

PASSED AND APPROVED this 14<sup>th</sup> day of July, 2025

  
Sharion Scott  
Mayor

Attest:   
Nancy Sanders  
City Secretary